International Seabed Authority

ISBA/24/C/7

Council

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Item 17 of the provisional agenda*
Cooperation with other relevant international organizations

Memorandum of understanding between the Asian-African Legal Consultative Organization and the International Seabed Authority

The purpose of the present memorandum of understanding is to specify the scope of cooperation between the Asian-African Legal Consultative Organization AALCO) and the International Seabed Authority, established by the United Nations Convention on the Law of the Sea, signed in Montego Bay, Jamaica, on 10 December 1982.

Whereas

AALCO is an intergovernmental, regional organization whose primary purposes, in accordance with its revised statutes, are to serve as an advisory body to its member Governments in the field of international law, provide a forum for cooperation in legal matters of common concern and establish cooperative arrangements with the United Nations, its agencies and other intergovernmental organizations with a view to promoting such cooperation in the field of international law, including wider acceptance of the Convention among the States in the Asian and African regions;

The Authority is the competent organization through which States parties to the Convention shall, in accordance with Part XI of the Convention and the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982, adopted on 28 July 1994 by the General Assembly of the United Nations in its resolution 48/263, organize and control activities in the Area, particularly with a view to administering the mineral resources of the Area, as defined in article 1, paragraph 1 (1) of the Convention;

The Authority seeks consultation and cooperation with, inter alia, international organizations on matters within the competence of the Authority by virtue of article 169 of the Convention;

Most parties to AALCO are members of the Authority;

* ISBA/24/C/L.1.

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The Authority and AALCO are convinced that the development and strengthening of their cooperation in matters of common interest would be of mutual benefit to both organizations, and bring about better coordination and effective implementation of their respective objectives;

AALCO and the Authority have decided:

With regard to purpose

(a) To provide a framework between AALCO and the Authority to promote cooperation in matters of mutual concern relating to their purposes and functions, including the implementation of the legal regime governing activities in the Area, in the interest of their respective member States, in particular those from the Asian and African regions;

With regard to mutual consultation and cooperation

(b) To consult, where appropriate and practical, on matters of mutual interest with a view to promoting or enhancing a better understanding and coordination of their respective activities in respect of such matters, in particular in the fields of cooperation listed in the annex to the present memorandum of understanding;

(c) To cooperate, where appropriate and practical, in the exchange of information, including reports of meetings of relevance to each other;

(d) To conduct, where appropriate, cooperative studies, workshops and seminars;

(e) To consult regularly on the scope and content of cooperation between AALCO and the Authority;

With regard to participation in meetings

(f) To invite each other's representatives to attend and participate in the meetings of their respective governing bodies as observers in accordance with the rules of procedures of such bodies;

(g) To advise each other on the steps to be taken in order to obtain the legal status permitting to be invited to the relevant meetings of each organization;

(h) To invite each other's representatives to participate in relevant meetings of experts and workshops;

With regard to exchange of information and documents

(i) That the exchange of information, publications and reports between the two organizations is subject to the requirement of confidentiality of data and information imposed upon them;

(j) That the secretariat of AALCO and the secretariat of the Authority shall also keep each other informed of current and planned activities of mutual interest for the purpose of identifying areas in which cooperation may prove desirable;

With regard to financial implications

(k) That the memorandum of understanding does not impose financial obligations on either party; that the costs and expenses resulting from the exchange of information or cooperation pursuant to the present memorandum of understanding

shall be borne by each of the parties, and that the raising of resources and their allocation to any activities carried out under the present memorandum of understanding are subject to the respective financial rules and regulations of each party;

With regard to implementation of the present memorandum of understanding

(l) The Secretary-General of AALCO and the Secretary-General of the Authority may enter into supplementary arrangements for the implementation of the present memorandum of understanding by the exchange of letters, which would become part of the memorandum of understanding;

With regard to amendments, duration, entry into force and final provisions

(m) That the present memorandum of understanding may be amended at any time by the mutual consent, expressed in writing, of the Secretary-General of AALCO and the Secretary-General of the Authority. Any such amendment shall enter into force three months following the consent by the two parties;

(n) That the present memorandum of understanding may be terminated by either signatory by giving six months' written notice to the other signatory prior to the proposed date of termination;

(o) That the present memorandum of understanding shall come into effect upon its signature by the Secretary-General of AALCO and the Secretary-General of the Authority;

(p) That nothing in the present memorandum of understanding shall bind any of the member States of AALCO jointly or severally. Similarly, the memorandum of understanding shall not bind any of the members of the Authority jointly or severally;

(q) That the present memorandum of understanding is without prejudice to agreements concluded by either signatory with other organizations and programmes;

(r) The foregoing represents the understandings reached between AALCO and the Authority upon the matters referred to herein.

In witness whereof, the undersigned have signed the present memorandum of understanding in duplicate in the Arabic, English and French languages, all originals being equally authentic.

Done in ____ this day of ____

For the Asian-African Legal Consultative Organization:
Kennedy Gastorn
Secretary-General

For the International Seabed Authority:
Michael W. Lodge
Secretary-General

Annex

Fields of cooperation

Fields of cooperation pursuant to the present memorandum of understanding include:

- Raising awareness of the United Nations Convention on the Law of the Sea and of the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 in order to enhance membership of the Authority by encouraging members of AALCO that are not yet members of the Authority to consider joining the Authority
- Raising awareness of the protocol on the privileges and immunities of the International Seabed Authority and encouraging members of the Authority that are members of AALCO to become parties to the Protocol if they have not yet done so
- Raising awareness of arrears in the payment of assessed contributions from members of the Authority that are members of AALCO
- Promoting the participation of members of AALCO that are members of the Authority in the development of mineral resources in the Area, including in reserved areas
- Assisting their respective member States in the development of national legislation on mineral activities in the Area
- Assisting the Authority in promoting opportunities for training, capacity-building and internships for qualified candidates from members of AALCO, including by encouraging scientists from members of AALCO to apply for training opportunities provided and funded by contractors with the Authority
- Raising awareness of the International Seabed Authority endowment fund and the AALCO proposal for a visiting fellowship programme for senior academics and a research assistantship programme for postgraduate students from AALCO member States
- Raising awareness of the Secretary-General award for excellence in deep-sea research
- Providing assistance towards the voluntary commitments of the Authority with respect to Sustainable Development Goal 14
- Considering joint cooperation on seminars and workshops in developing regulations on the exploitation of mineral resources in the Area
- Considering joint cooperation on seminars and workshops in giving effect to the implementation of article 82 of the Convention
- Providing aid in the form of staff or provision of services, subject to the financial conditions established and agreed upon, as appropriate, by the parties
- Bringing together experts from the two organizations periodically in order to evaluate cooperation and make appropriate recommendations to improve it